

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

UNS Proposed Lease of Fiber Optics to Western Wind Authorization AZA 16833, AZA 31717, AZA 35334

NEPA Number DOI- BLM-AZ-C010-2011-0055-CX

A. Background: On November 8, 2010, right-of-way AZA 35334 was granted to UNS Electric, Inc. (UNSE) for a 69 kV power line and isolation breaker site to connect Western Wind's proposed wind and solar renewable energy project located on private lands to the electrical grid. A component of that right-of-way is a fiber optic line that serves as a communication path for the operation of the electrical grid. In addition to granting that right-of-way, the BLM amended AZA 16833 and AZA 31717, which are two of UNSE's 69 kV power lines, to replace the static line with a fiber optic line. These fiber optic lines are for UNSE to monitor the flow of electricity from Western Wind's renewable energy project for the safe operation of UNSE's electrical system. In order for Western Wind's turbines to operate their project they need to lease 4 "dark" fiber optic lines, lines that are not being used, from UNSE. In regards to what rights are conveyed in a right-of-way grant, these convey the right to allow other parties to use your facilities for the purpose specified in the grant and the holder may charge for that use if the grant specifically authorizes it (43 CFR 2805.14 (b)). The right-of-way grant for AZA 35334 and the amendments to AZA 16833 and AZA 31717 do not authorize UNSE to allow for other parties to use the fiber optic line and to charge for that use.

On July 15, 2011 UNSE submitted an application to amend rights-of-way AZA 16833, AZA 31717, and AZA 35334 to specify that UNSE may permit Western Wind to use 4 "dark" fibers and so that UNSE may charge for that use.

BLM Office: Kingman Field Office

Lease/Serial/Case File No.: AZA 16833, AZA 31717, AZA 35334

Proposed Action Title/Type: Rights-of-way amendments.

Location of Proposed Action: secs. 10, 16, and 17, T. 20 N., R. 17 W., G&SRM.

Description of Proposed Action: Amendment to rights-of-way AZA 16833, AZA 31717, and AZA 35334 to allow UNSE to lease 4 "dark" fiber optic lines to Western Wind, its successors and assigns.

B. Land Use Plan Conformance

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

LR13a/V - All other minor rights-of-way would be evaluated through the environmental review process and granted or rejected on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): N/A

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, **E[13] Amendments to existing rights-of-way such as the upgrading of existing facilities which entail no additional disturbances outside the rights-of-way boundary.**

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

Since the fiber optic lines have been authorized and are constructed the amendments for the rights-of-way described herein would not cause environmental impacts.

D. Signature

Authorizing Official: / s / Ruben A. Sánchez Date: 9/23/2011
(Signature)

Name: Ruben A. Sánchez
Title: Field Manager

Contact Person

For additional information concerning this CX review, contact Andy Whitefield, Environmental Protection Specialist, Kingman Field Office, 2755 Mission Blvd., Kingman, AZ 86401, 928-718-3746.

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. The proposed amendments would allow for the electric system to operate in a safe, efficient manner.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No these resources aren't present.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No. Fiber optic lines have been installed as under builds and static line replacements throughout the U.S. and other parts of the "developed" world and no news source or general public information sources have not reported these as being highly controversial.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. Fiber optic lines have been in existence for several years and have been installed in many areas and so far the environmental effects are well documented.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. The proposed amendments specify that UNSE may permit Western Wind and its successors and assigns to use 4 dark fibers, thereby limiting in scope what is permitted.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. This is directly related to the operation of the interconnect for Western Wind's renewable energy project, however the effects from that are not to be considered significant.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. No such places are known to exist in the affected area.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. No listed species or Critical Habitat is in the affected area.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. No laws would be violated as a result of the proposed action.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. All segments of society would be affected equally by the proposed action.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No. No areas used by Indians for ceremonial purposes are known in the affected area.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No. The fiber optic lines are in place and so the proposed action would not cause ground disturbing activities which could promote the introduction, growth, or expansion of the range of such species

Approval and Decision

Attachment 2

Compliance and assignment of responsibility: Lands and Realty

Monitoring and assignment of responsibility: Lands and Realty

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: Andy Whitefield, Environmental Protection Specialist / s / AW **Date:** 9/20/2011

Project Lead

Reviewed by: / s / David Brock **Date:** 9/20/2011

Dave Brock
NEPA Coordinator

Reviewed by: / s / Ruben A. Sánchez **Date:** 9/23/2011

Ruben A. Sánchez, Field Manager
Supervisor

Project Description: Amendment to rights-of-way AZA 16833, AZA 31717, and AZA 35334 to allow UNSE to lease 4 “dark” fiber optic lines to Western Wind, its successors and assigns.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the stipulations incorporated in the amended grants (see the attached amendments).

Approved By: / s / Ruben A. Sánchez **Date:** 9/23/2011

Ruben A. Sánchez
Field Manager, Kingman Field Office

Exhibits:

- 1) **Stipulations: See amended grants.**

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 16833 Amendment #2

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

UNS Electric, Inc.
P.O. Box 3099
Kingman, Arizona 86402-3099

receives a right to permit Western Wind Energy, its successors and assigns, to use four fiber optic lines on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 17 W.,
sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$.

b. This amendment does not modify the area authorized under right-of-way AZA 16833, as amended.

c. This instrument granted in perpetuity, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the

authorized officer.

- d. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- e. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Title)

(Date)

(Signature of Authorized
Officer)

(Title)

(Effective Date of Grant)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 31717 Amendment #2

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:

UNS Electric, Inc.
P.O. Box 3099
Kingman, Arizona 86402-3099

receives a right to permit Western Wind Energy, its successors and assigns, to use four fiber optic lines on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 17 W.,
sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
sec. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$;
sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
 - b. This amendment does not modify the area authorized under right-of-way AZA 31717, as amended.
 - c. This instrument will terminate on November 19, 2031, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. Failure of the holder to comply with applicable law or any

provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

- e. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Authorized
Officer)

(Title)

(Title)

(Date)

(Effective Date of Grant)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 35334 Amendment #1

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:

UNS Electric, Inc.
P.O. Box 3099
Kingman, Arizona 86402-3099

receives a right to permit Western Wind Energy, its successors and assigns, to use four fiber optic lines on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 17 W.,
sec. 10, NW¼.
 - b. This amendment does not modify the area authorized under right-of-way AZA 35334.
 - c. This instrument will terminate on December 31, 2041, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

- d. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- e. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Title)

(Date)

(Signature of Authorized
Officer)

(Title)

(Effective Date of Grant)